MADRAS REGULATION V OF 1829.[1]

[THE MADRAS HINDU WILLS REGULATION, 1829.]

[*25th August 1829.*]

A Regulation for modifying section 16, Regulation III, 1802, and for declaring the legal force of Wills left by Hindus within the territories subject to the Presidency of Fort St. George to be dependent on their conformity to the Hindu Law, according to the Authorities prevalent in the respective [2][territories] under this Government.

Preamble.

WHEREAS [3] * * * * [4][clause second of section 16 of the Madras Administration of Estates Regulation, 1802,[5]] directs that, on the death of a Hindu leaving a will, his executors "are to take charge of the estate of the deceased and proceed in the execution of their trust according to the will of the deceased and the laws and usages of the country"; and whereas this [3] * * enactment is at variance both with the Hindu Law, according to the Authorities prevalent within these territories, and with the * * [3] obligation imposed on the Courts to administer justice to the [6][inhabitants] in the said matters according to their own laws, and it is therefore expedient that the same should be modified, the Governor in Council has therefore enacted this Regulation * * *.[7]

2. [*Repeal of Regulation III of 1802, s. 16, cl. 2, so far as it applies to Hindus.*] *Rep., Mad. Act II of 1869.*

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[1] The short title was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), s. 4 and the second schedule to be in force in the whole of the Presidency of Madras except the territories mentioned in the sixth schedule to that Act.

It has been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to be in force in the Scheduled Districts in Ganjam and Vizagapatam—*see Gazette of India*, 1898, Pt. I, p. 869, and *Fort St. George Gazette, ibid.*, p. 666. The Regulation has been extended by a notification under s. 5 of the Scheduled Districts Act to the Bhadrachalam and Nugur taluks of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553. The Regulation has been declared by a notification under s. 3, cl. (*a*) of the Scheduled Districts Act to be in force in Dutcharti and Guditeru Muttas of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553.

[2] This word was substituted for the word "Provinces" by the Adaptation Order of 1950.

[3] Certain words and figures, repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901), s. 3, are omitted.

[4] These words and figures were substituted for the words "clause second of the said section" by the Repealing and Amending Act, 1901 (Central Act XI of 1901), s. 3, and the second schedule.

[5] Madras Regulation III of 1802.

[6] This word was substituted for the word "Natives" by the Adaptation Order of 1950.

[7] Certain obsolete words have been repealed by Central Act XII of 1876

3. The rules contained in clauses third, fourth, fifth, sixth and seventh, section 16, Regulation III, 1802 * * * [1] respecting the estates of Hindus dying intestate, are hereby declared equally applicable to the cases of Hindus dying and leaving wills. Rules applicable to estates of Hindus dying and leaving wills

4. Wills left by Hindus within the territories subject to this Government shall have no legal force whatever, except so far as their contents may be in conformity with the provisions of the Hindu law, according to the Authorities prevalent in the respective [2][territories] under this Presidency. Wills of Hindus to be in conformity to Hindu Law.

MADRAS REGULATION I OF 1830.[3]

[THE MADRAS SATI REGULATION, 1830.]

[*2nd February 1830.*]

A Regulation for declaring the practice of Sati, or of burning or burying alive the Widows of Hindus, illegal, and punishable by the Criminal Courts.

THE practice of sati, or of burning or burying alive the widows of Hindus, is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindus as an imperative duty; on the contrary, a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed; in some extensive districts it does not exist; in those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor in Council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without Preamble.

[1] Madras Regulation III of 1802.

[2] This word was substituted for the word "Provinces" by the Adaptation Order of 1950.

[3] The short title was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

This Regulation was declared by the Laws Local Extent Act, 1874 (Central Act XV of 1874), s. 4 and the second schedule to be in force in the whole of the Presidency of Madras except the territories mentioned in the sixth schedule to that Act. Compare Ben. Reg. XVII of 1829.

It has been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (Central Act XIV of 1874), to be in force in the Scheduled Districts in Ganjam and Vizagapatam—*see Gazette of India*, 1898, Pt. I, p. 869, and *Fort St. George Gazette, ibid.*, p. 666. The Regulation has been extended by a notification under s. 5 of the Scheduled Districts Act to the Bhadrachalam and Nugur taluks of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553. The Regulation has been declared by a notification under s. 3, cl. (*a*) of the Scheduled Districts Act to be in force in the Dutcharti and Guditeru Muttas of the Godavari Agency—*see Fort St. George Gazette*, 1930, Pt. I, p. 553.